

Appln No. 09/973,303
Amdt date January 20, 2004
Reply to Final Rejection dated October 30, 2003

REMARKS/ARGUMENTS

Claims 1, 3-9, and 34-40 are currently pending in this application. Applicant has amended claims 1, 9, 35 and 37. The amendments find full support in the original specification, claims, and drawings. No new matter is presented. This Amendment is being submitted with a Request for Continuing Examination. Entry of the amendment is therefore respectfully requested.

As an initial matter, Applicant thanks the Examiner for the courtesies extended to the undersigned during a telephone interview on January 13, 2003. As discussed during the interview, Applicant requests that the Examiner contact the undersigned at the below number to discuss this Amendment in more detail.

In the final Office action, the Examiner objected to the drawings because reference number "20" was used to designate both "a web server" and "the customer's Internet connection." The specification has now been amended so that "the customer's Internet connection" is no longer referenced by reference number "20."

The Examiner also rejected claim 37 because the limitation "the second processor" lacked sufficient antecedent basis. Claim 37 has been amended to delete the limitation. This amendment was made for reasons unrelated to patentability.

The Examiner also objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. In particular, the Examiner requested that the Applicant review the pending claims to ensure that all "means

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for" phrases have proper antecedent basis in the specification. The Examiner also objected to the drawings contending that the structural elements corresponding to the "means for" elements recited in claims 1 and 3-9 were not clearly shown. The Examiner further rejected claims 1, 3-9, and 34-40 under 35 U.S.C. 112, second paragraph, because the corresponding structure for the "means for" elements was not clear.

In response, Figure 1 has been amended to illustrate an "inventory management system 1," "scanner 2," and "reader 3," which correspond to certain "means for" elements recited in claim 1. Support for these elements may be found on page 12, line 34 and page 14, lines 28-31. No new matter has been added.

Applicant has also set forth a chart indicating, for each "means for" element, at least one exemplary structure and associated pages in the specification and drawing numbers were support may be found for the element. Applicant submits, however, that the structures listed below are not exhaustive in any way. There may be other structures and equivalents thereof, that are disclosed in the specification which may provide support for a particular "means for" element. Thus, Applicant is not limited to the structures listed below.

CLAIM NO.	CLAIM ELEMENT	SUPPORT IN SPECIFICATION	FIGURE NO.
1	Means for determining	Inventory management system, bar code scanner, RFID reader, etc. (p. 12, line 34 - p. 14, line 31).	1

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1	Means for recording	PLU table, expiration date database, bar code, etc. (p. 13, line 7 - p. 14, line 27).	4
1	Means for reading	Checkout (POS) terminal, bar code scanner, RFID reader, etc. (p. 5, line 21 - p. 6, line 16; p. 9, line 5 - p. 10, line 8).	1, 2
1	Means for electronically recording	Checkout (POS) terminal, IC card, web server memory, etc. (p. 6, line 18 - p. 10, line 8).	1, 2
1, 35	Means for retrieving	Home terminal unit, IC card reader, communication interface, etc. (p. 8, lines 1-20; p. 10, line 30 - p. 12, line 12; p. 17, line 6 - p. 18, line 33).	1, 2, 5
3	Means for storing	Local memory storage area, etc. (p. 18, lines 9-33).	5
4	Means for formatting	Central control unit, etc. (p. 18, lines 4-8).	5
5	Means for displaying	Display screen, etc. (p. 17, line 35 - p. 18, line 4).	5

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6-8	Means for said purchaser to interact	Display with touch panel, etc. (p. 11, line 35 - p. 12, line 4; p. 21, line 6 - p. 25, line 20).	5, 7
9	Means for converting	Checkout (POS) terminal, bar code scanner, RFID reader, etc. (p. 5, line 21 - p. 6, line 16; p. 9, line 5 - p. 10, line 8).	1, 2

The Examiner also sets forth the definitions that were adopted in interpreting the claims. Applicant submits that the adopted definitions are only one of many other definitions that may be equally appropriate, and that by agreeing to the Examiner's definitions, Applicant is not limited to only the definitions that were adopted by the Examiner.

The Examiner further contends that the phrase "means accessible to a point-of-sale terminal for reading" in claim 1 does not invoke 35 U.S.C. 112, paragraph 6, because the exact phrase "means for" is not recited. Although Applicant disagrees, claim 1 has been amended to recite a "means for reading." This amendment was made for reasons unrelated to patentability.

Claims 1, 3-9, 34-38, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by either Colella et al. (U.S. Patent No. 6,003,006) or Swartz et al. (U.S. Patent No. 5,923,735). Claims 1, 3-9, 34-38, and 40 are also alternatively

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rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz in view of Tognazzini (U.S. Patent No. 5,739,512). Applicant respectfully traverses these rejections.

Independent claims 1 and 35 have been amended to recite "a processor coupled to the means for retrieving, the processor adding the shelf-life limitation information to an inventory list of products purchased by a user, the processor further detecting an expired product based on the shelf-life limitation information, and removing the expired product from the inventory list." None of the cited references teach or suggest this limitation. Accordingly, Applicant submits that claims 1 and 35 are now in condition for allowance.

In view of the above amendments and remarks, Applicant respectfully requests an early indication of allowance of claims 1, 3-9, and 34-40.

Respectfully submitted,
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